

Attorney Docket Number: FSP0359  
Title: provide set top box configuration for content on demand  
Application Number: 10/579,097

## REMARKS

The Applicant thanks the Examiner for examination of this application. This is a response to the office action mailed on 5/20/2009.

### 35 U.S.C. 102(e)

Claims 6, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by US PG Pub 2006/0271973 to Jerding et al (hereafter referenced as Jerding).

#### Claims 6 and 7

Jerding fails to teach features of claims 6, 7, and 10, such as service nodes composing a service group identifier into the audio and/or video stream format. Jerding teaches

"A network session manager (not shown) in a DNCS 23 uses the service group 24 to determine which QAM modulator has access to a particular DHCT 16. The QAM modulators that comprise the service group 24 receive the MPEG-2 transport stream from the VOD content servers 22 and convert it to an RF signal at a specified frequency (channel). The QAM modulators of the service groups 24 are also responsible for encrypting the transport stream and inserting other data and information into the stream." Par 39.

Jerding makes a general statement that the QAMs encrypt and insert data into the streams. This very general statement cannot support an anticipation of the specific claim feature of a service node composing a service group identifier into the audio and/or video stream. It is well known in the art at the time of the invention that QAMs insert timing data (e.g. a Program Clock Reference, or PCR) to preserve stream timing after encoding, and/or null packets. There are numerous possibilities for the "other data" Jerding refers to, and nothing whatsoever to lead one skilled in the art to believe it refers to a service node composing a service group identifier into the audio and/or video stream.

Jerding fails to teach set top box configuration information in an audio and/or video stream. Jerding teaches a data carousel in an RF band (Broadcast File System BFS). The BFS data carousel contains user application data, such as program catalogues.

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Par 36-38, 50, 53, Fig 3 and 4B. The data in the carousel is not used to configure a set top box, it is displayed for the user's selection.

**Claim 10**

Claim 10 is patentably distinct at least for the reasons given for claim 6.

Furthermore claim 10 recites, inter alia, logic to receive from a set top box a request for an audio and/or video stream, the request comprising the service group identifier communicated to the set top box and an identifier of a title of the audio and/or video stream. Jerding does not teach or suggest this feature. Jerding does not teach the service group identifier in the stream (see comments for claim 6). Jerding does not teach a stream request from a set top box that includes the service group id inserted into a stream by a service node. Jerding describes a MOD descriptor that includes a transport stream ID that is a QAM id within a service group. The transport stream ID is assigned by the network operator when the QAM is installed. Par 61. The transport stream ID is not a service node id. It is the id of a particular QAM. Par 61. Even so, there is no teaching or suggestion that the transport stream ID is inserted into a stream by a service node and communicated to the set top. There is no suggestion that the transport stream ID is included in a stream request from the set top.

**35 U.S.C. 103(a)**

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding in view of US PG Pub 2007/0130583 to Thiagarajan et al (hereafter referenced as Thiagarajan).

Claims 8 and 9 are patentably distinct at least for the reasons given for claim 6. Neither Jerding and Thiagarajan, alone or viewed together, teach set top box configuration information in an audio and/or video stream. See remarks claim 6. Furthermore neither reference alone or together teaches service nodes composing a service group identifier into the audio and/or video stream format.

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**Conclusion**

The claims are patentably distinguished over the cited references, along or together, for at least the reasons presented in these remarks. Please allow all claims.

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